ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xcviii.

An Act for enabling the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company to lease their Undertaking to the *London and North-western* and the *Midland* Railways Companies. [17th *June* 1852.]

WHEREAS under the Powers of "The *Manchester, Buxton, Matlock, and Midlands Junction* Railway Act, 1846," "The *Manchester, Buxton, Matlock, and Midlands Junction* Railway Act, 1847," and "The *Manchester, Buxton, Matlock, and Midlands Junction* Railway Act, 1848," the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company have constructed a Line of Railway from *Ambergate* in the County of *Derby* to *Rowsley* in the same County: And whereas, under the Powers of "The *Manchester, Buxton, Matlock, and Midlands Junction* Railway Act, 1846," "The *Cromford* Canal Sale Act, 1846," and "The *Cromford* Canal Sale Act, 1851," the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company have contracted with the *Cromford* Canal Company for the Purchase of the Undertaking of the *Cromford* Canal: And whereas it is expedient that Powers

The Manchester, Buxton, Matlock, and Midlands Junction Railway, and Cromford Canal Leasing Act, 1852.

should be given to the *London and North-western* Railway Company and the *Midland* Railway Company to lease the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway and *Cromford* Canal, as herein-after mentioned; but such Objects cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Manchester, Buxton, Matlock, and Midlands Junction* Railway and *Cromford* Canal Leasing Act, 1852."

Companies empowered to agree for Lease.

II. It shall be lawful for the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company and the *London and North-western* and *Midland* Railway Companies, from Time to Time, with the Consent and Approbation of Three Fifths of the Proprietors of such Companies respectively present, personally or by Proxy, at a Meeting of each of such Companies specially convened for the Purpose, to enter into such Agreements for leasing and to lease the said Line of Railway and Canal, or either of them, to the said *London and North-western* and *Midland* Railway Companies, for any Term not exceeding Ninety-nine Years, but subject always to all the Powers and Provisions in the said recited Acts, or any of them, contained with respect to the Maintenance and working of the said Railway and Canal respectively, or either of them, and to the Rates and Tolls to be charged thereon, or for the Use of the same.

Lessees to be charged with same Obligations as the Manchester, Buxton, Matlock, and Midlands Junction Railway Company.

III. That the Lessees of the said *Cromford* Canal, under or by virtue of any Lease or Agreement for Lease to be granted to them or any of them in pursuance of this Act, and all Persons claiming through or under such Lessees respectively, shall, during the Continuance of such Lease, be subject and liable to and charged and chargeable with the Observance and Performance of all such Obligations, Duties, Rights, Directions, Rules, Regulations, Payments, and other Matters and Things, as the said *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company and the said *Cromford* Canal Company were, at the Time of granting the said Lease, or entering into such Agreement, or shall be at any Time thereafter, subject, charged, or liable by virtue of or under the before-mentioned Acts, or any of them, or which the said Companies would, but for the passing of this Act, have been subject or liable to, or ought to have been done, observed, performed, fulfilled, or kept in respect of or with reference

reference to the said *Cromford* Canal, or any of the Works thereof, or any Matter or Thing relating thereto.

If Canal Companies reduce, the Tolls on the Cromford Canal to be reduced.

IV. That in case the respective Companies of Proprietors of all the several Canals and navigable Streams forming the Means of Water Communication between the said *Cromford* Canal and *London*, or in case the respective Companies of Proprietors of any One Canal or any Two or more of such Canals or navigable Streams forming the Means of Water Communication between the *Cromford* Canal and any intermediate Place or Places between the same Canal and *London*, shall at any Time, or from Time to Time hereafter, reduce the Scale or Amount of Tolls, Rates, or Duties charged or payable upon the Twenty-sixth Day of *April* One thousand eight hundred and fifty-two upon any Articles carried on and from the said *Cromford* Canal to *London*, or to any such intermediate Place or Places, then and in every such Case it shall be lawful for all or any of the said Companies of Proprietors of Canals or navigable Streams making such Reduction as aforesaid, by Notice in Writing, to call upon the Owners or Lessees for the Time being of the said *Cromford* Canal to make a proportionate Reduction from the Tolls, Rates, and Duties charged, received, or paid upon the said Twenty-sixth Day of *April* One thousand eight hundred and fifty-two upon the said *Cromford* Canal in respect of such Articles as shall be carried along the *Cromford* Canal, or any Part thereof, and shall be destined, in the One Case to *London*, or in the other Case to such intermediate Place or Places; and after the Expiration of One Calendar Month from the Delivery of the said Notice, it shall not be lawful for the Owners or Lessees of the said *Cromford* Canal, or for any other Person or Persons whomsoever on their Behalf, to demand, charge, or receive, with respect to the Articles so destined as aforesaid, any greater Tolls, Rates, or Duties than the Tolls, Rates, or Duties so proportionably reduced as aforesaid, unless and until the said Companies of Proprietors, or any of them, making such Reduction, shall again charge on such Articles as aforesaid a higher Rate than the Rate so reduced as aforesaid, and in such Event the said Owners or Lessees shall be entitled to make a corresponding Advance upon the Tolls, Rates, and Duties so levied on the said *Cromford* Canal: Provided always, that if any Difference shall at any Time arise between the Proprietors or Lessees of the *Cromford* Canal and any Canal Company touching this Enactment, or the Proportion of such Reduction as aforesaid, the same Difference shall be determined in the Manner prescribed by the Eighty-first Clause of the first-recited Act for dealing with Complaints made by or on behalf of Persons using the *Cromford* Canal: Provided also, that until such Difference is determined, and pending the Arbitration thereof,

thereof, the Reduction herein-before provided for shall be made and continue in force.

Nothing to affect Agreement of 30th April 1851 between Cromford Canal and Manchester, &c. Railway Companies.

V. Whereas by certain Articles of Agreement bearing Date the Thirtieth Day of *April* One thousand eight hundred and fifty-one, and made between the *Cromford* Canal Company of the One Part, and the *Manchester*, *Buxton*, *Matlock*, *and Midlands Junction* Railway Company of the other Part, the Terms and Conditions of the Sale to the last-named Company of the Undertaking of the *Cromford* Canal Company are settled and agreed on, and the said Articles of Agreement were duly executed by the Two Companies under their Common Seals: Be it enacted, Nothing in this Act contained shall in anywise prejudice, weaken, or affect the said Articles of Agreement, or any of the Matters or Things therein contained, but the same shall, notwithstanding this Act, be and remain as good, valid, and effectual to all Intents and Purposes as though this Act had not been passed.

Differences as to Tolls on Cromford Canal to be determined in manner provided by Clause 81 of first-recited Act.

VI. That if at any Time hereafter Complaint shall be made by the *Nottingham* Canal Company, or the Company of Proprietors of the River *Trent* Navigation, or the Company of Proprietors of the *Grantham* Canal Navigation, or any Person or Persons using the same, of the Amount of Tolls, Rates, and Duties received or claimed, or proposed to be received or claimed, by the Lessees for the Time being of the said *Cromford* Canal, in respect of any Traffic passing upon or along the said *Cromford* Canal into or upon the said *Nottingham* Canal, River *Trent* Navigation, or *Grantham* Canal Navigation, or any or either of them respectively, and in case any Difference shall arise between the Lessees for the Time being of the said *Cromford* Canal and the said *Nottingham* Canal Company, or the said Company of Proprietors of the River *Trent* Navigation, or the said Company of Proprietors of the *Grantham* Canal, as to the Amount of such Tolls, Rates, and Duties received or claimed, or proposed to be received or claimed, as aforesaid, then and in every such Case such Difference shall be determined in the Manner prescribed by the Eighty-first Clause of the first-recited Act for dealing with Complaints made by or on behalf of Persons using the *Cromford* Canal.

Notice of Intention to raise Tolls on certain Traffic to be given to Canal Companies.

VII. That, unless with the Consent of the said *Nottingham* Canal Company, the said Company of Proprietors of the River *Trent* Navigation and the said Company of Proprietors of the said *Grantham* Canal Navigation respectively, under their Common Seals, it shall not be lawful for the Lessees for the Time being of the said *Cromford* Canal to receive or claim, in respect of Traffic passing from the said *Cromford* Canal into or upon the said *Nottingham* Canal, River *Trent*

Trent Navigation, and *Grantham* Canal respectively, any higher Tolls, Rates, or Duties than the Tolls, Rates, or Duties received or claimed by the *Cromford* Canal Company in respect of such Traffic on the Twenty-sixth Day of *April* One thousand eight hundred and fifty-two, until the Expiration of Three Calendar Months after Notice in Writing shall have been given of their Intention so to do to the Clerks of the said Canal and Navigation Companies respectively, by Notice in Writing, delivered to such Clerks, or left at the Offices of such Canal and Navigation Companies respectively: Provided always, that none of the Enactments, Clauses, or Provisions in this Act contained relating or referring to the Tolls, Rates, and Duties to be received or claimed on the said *Cromford* Canal, or regulating the same, shall have any Force or Effect until and unless the said Railway and Canal, or either of them, shall be leased or agreed to be leased to the said *London and North-western* Railway Company and *Midland* Railway Company, or One of them, under the Provisions of this Act.

38th & 39th Sections of Cromford Canal Sale Act, 1846, repealed.

VIII. That the Thirty-eighth and Thirty-ninth Sections of the "*Cromford* Canal Sale Act, 1846," providing that in case Reductions are made on certain Canals, *Cromford* Canal Company to reduce also, shall be hereby repealed from and immediately after such Time as the Enactments, Clauses, or Provisions of this Act relating to Tolls, Rates, and Duties take effect.

Deposits for future Bills not to be paid out of the Capital of Companies.

IX. It shall not be lawful for either of the said Companies, out of any Money by any existing Act relating to either of the said Companies authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing either of the said Companies to construct any Railway, or execute any other Work or Undertaking.

Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. cc. 57. & 105., and 14 & 15 Vict. c. 64.

X. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways;* and another Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of*

of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways; and another Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the same Session, intituled *An Act for constituting Commissioners of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railways of the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company, or of the *London and North-western* and *Midland* Railway Companies, or any or either of them, from the Provisions of such Acts respectively; but such Provisions shall be in force in respect of such Railways and Companies respectively, so far as the same are applicable thereto, and are consistent with the Provisions of this Act.

Railways not exempt from Provisions of future General Acts.

XI. Nothing herein contained shall be deemed or construed to exempt the Railways by the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts, or any of them.

Expenses of Act.

XII. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be borne and paid by the *Manchester, Buxton, Matlock, and Midlands Junction* Railway Company.

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